

SENATE BILL 242  
By Bryson

AN ACT to amend Tennessee Code Annotated, Title 12,  
Chapter 3, Part 8; Section 12-4-121 and Title 12,  
Chapter 4, Part 8, relative to purchasing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Tennessee Code Annotated, Section 12-4-121(a), is amended by deleting subdivisions (1) and (2) and by substituting instead the following:

(1) If the cost to the state and the quality are equal or substantially equal, then goods produced in-state shall be given first preference, goods produced anywhere out-of-state and offered by a Tennessee bidder shall be given second preference, goods produced domestically out-of-state and offered by a non-Tennessee bidder shall be given third preference, and goods produced on foreign soil and offered by a non-Tennessee bidder shall be given fourth preference; and

(2) If the cost to the state and the quality are equal or substantially equal, then agricultural products produced or grown in-state shall be given first preference, agricultural products produced or grown anywhere out-of-state and offered by a Tennessee bidder shall be given second preference, agricultural products produced or grown domestically out-of-state and offered by a non-Tennessee bidder shall be given third preference, and agricultural products produced or grown on foreign soil and offered by a non-Tennessee bidder shall be given fourth preference..

(b) Tennessee Code Annotated, Section 12-4-121, is amended by deleting subsection (b) and by substituting instead the following:

(b) Acting in consultation with the comptroller of the treasury and the commissioner of finance and administration, the commissioner of general services shall promulgate such rules as may be reasonable and necessary to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, title 4, chapter 5.

(c) Tennessee Code Annotated, Section 12-4-121(d), is amended by deleting the language "if the cost to the state is not greater and the quality is not inferior." and by substituting instead the following:

if the cost to the state equals or is not significantly greater and the quality equals or is not significantly inferior.

(d) Tennessee Code Annotated, Section 12-4-121, is amended by deleting subsection (e) and by substituting instead the following:

(e) Notwithstanding any other provision of law to the contrary, all departments and agencies procuring services shall give preference to services offered by a Tennessee bidder if:

(1) The services meet or substantially meet state requirements regarding the service to be performed and expected quality; and

(2) The cost of the service equals or does not significantly exceed the cost of other similar services of similar expected quality that are offered by a non-Tennessee bidder.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.